

2005

## Is the System Flawed? Legal Ramifications of the Bowl Championship Series and Conference Alignment

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### Recommended Citation

Josh Helton, Mike Slive Commissioner, Gary Roberts, and Andrew Sorenson, Is the System Flawed? Legal Ramifications of the Bowl Championship Series and Conference Alignment, 7 *Vanderbilt Journal of Entertainment and Technology Law* 461 (2020)

Available at: <https://scholarship.law.vanderbilt.edu/jetlaw/vol7/iss3/10>

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Bluebook 21st ed.

Is the System Flawed - Legal Ramifications of the Bowl Championship Series and Conference Alignment, 7 VAND. J. ENT. L. & PRAC. 461 (2005).

ALWD 7th ed.

, Is the System Flawed - Legal Ramifications of the Bowl Championship Series and Conference Alignment, 7 Vand. J. Ent. L. & Prac. 461 (2005).

APA 7th ed.

(2005). Is the system flawed legal ramifications of the bowl championship series and conference alignment. Vanderbilt Journal of Entertainment Law & Practice, 7(3), 461-484.

Chicago 17th ed.

"Is the System Flawed - Legal Ramifications of the Bowl Championship Series and Conference Alignment," Vanderbilt Journal of Entertainment Law & Practice 7, no. 3 (Summer 2005): 461-484

McGill Guide 9th ed.

"Is the System Flawed - Legal Ramifications of the Bowl Championship Series and Conference Alignment" (2005) 7:3 Vand J Ent L & Prac 461.

AGLC 4th ed.

'Is the System Flawed - Legal Ramifications of the Bowl Championship Series and Conference Alignment' (2005) 7(3) Vanderbilt Journal of Entertainment Law & Practice 461

MLA 9th ed.

"Is the System Flawed - Legal Ramifications of the Bowl Championship Series and Conference Alignment." Vanderbilt Journal of Entertainment Law & Practice, vol. 7, no. 3, Summer 2005, pp. 461-484. HeinOnline.

OSCOLA 4th ed.

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# Is the System Flawed?

## Legal Ramifications of the Bowl Championship Series and Conference Alignment

**Mr. Josh Helton:**  
**M** Welcome to our second panel of the day. Preliminarily, we should probably change the name of this panel to "The Workhorse Panel" because we have a couple of guys doing double-duty. Some of you here for the last panel will remember Mr. Mike Slive, here, who has graciously agreed...

**Commissioner Mike Slive:**

Drafted. My name's Delaney and I told Dr. Williams that compensation would be accordingly raised. [Laughter].

**Helton:**

And unfortunately on the ride over from the airport I agreed to triple it. One of the two of us is deeply indebted, and maybe both of us, and I know it's certainly me. For the benefit of the people that weren't here for

the first panel, Mike Slive was named the seventh Commissioner of the South East Conference in 2002. Mr. Slive is the chair of multiple NCAA committees, and was recently named by President Bush to the Commission of Athletic Opportunity, that will review the workings of Title IX, which is another panel we're going to have later in the afternoon, discussing that particular issue. Prior to joining the SEC, Mr. Slive served as the first-ever Commissioner of Conference USA, Commissioner of the Great Midwest Conference, Director of Athletics at Cornell, Executive Director of the PAC 10, and Assistant Director of Athletics at Dartmouth. Mr. Slive has a BA from Dartmouth, a JD from the University of Virginia Law School, and an LLM from the Georgetown University Law Center. Again, Commissioner Slive, thank you.

Sitting next to him we have Professor Gary Roberts from Tulane University Law

**{ "why are we seeing all the movement around of the schools from conference to conference?" }**



School. Professor Roberts is one of the most respected sports law scholars in the country. He teaches Sports Law, Anti-trust Law, Labor Law, and Business Enterprises. He has published several articles and book chapters on anti-trust and labor issues in the sports industry, and has co-authored the leading casebook on sports law. He has held leadership positions in several sports law organizations; he directs the sports law program at Tulane, and is Tulane's Faculty Representative to the NCAA. He was Vice Dean of the law school from 1990 to 1995, and became Deputy Dean in 2001. Professor Roberts has a BA from Bradley University and a JD from Stanford University Law School.

Dr. Andrew Sorenson, from the University of South Carolina, has joined us. Dr. Sorenson has been President of the University of South Carolina since 2002. He previously served as President of the University of Alabama, as well as Provost and Vice President for Academic Affairs at the University of Florida. Dr. Sorenson has been a faculty member at Lincoln University, the University of Rochester, and Cornell University. Dr. Sorenson holds a Bachelors degree in Ethics and Masters and Doctoral degrees in Medical Sociology from Yale University. He also earned a B.A. in History from the University of Illinois, and a Master of Public Health degree from the University of Michigan.

Our final panelist on the end is one of our own, that we're glad to have here, Coach Bobby Johnson, the head football coach here at Vanderbilt. Prior to coming here to Nashville, Coach Johnson was the head coach at Furman University, where he led his team to one AA National Championship in 2001. Before coaching at Furman, he was the Defensive Coordinator at Clemson University. Coach Johnson's philosophy, which is very much in-line with what we have here at Vanderbilt, places a pronounced emphasis on the academic performance of student athletes in addition to their responsibilities on their field. Coach Johnson graduated from Clemson with a Bachelors degree in Management while playing varsity football there. He also has a Masters degree from Harvard University.

Finally, our moderator here, Vice Chancellor Williams, who is another one of our

workhorses on the panel, is doing double-duty. He'll serve as a panelist later this afternoon, and has been very instrumental in helping us put this great symposium together...Vice Chancellor Williams is Vice Chancellor of Student Life and University Affairs here at Vanderbilt. He also serves as General Counsel and Secretary to the university. Professor Williams is a tenured full Professor at Vanderbilt School of Law, where he teaches Tax Law, Sports Law, and Law & Education. As one of the Vice Chancellors at Vanderbilt, Mr. Williams oversees the eleven-member General Counsel Office, the Office of Risk Management, and the university's Compliance and Conflict-of-Interest functions, and the operations of the university's Board of Trust. In addition, the Division of Student Life and Department of Athletics report to Vice Chancellor Williams. Mr. Williams has a BS and an MA from Northern Michigan University, an MBA and a JD from the University of Detroit, and an LLM from New York University. Without any further ado, we'll get started.

#### Vice Chancellor Williams:

Thank you, and thank you panelists. I know and respect all of these gentlemen. Mike, I have to tell you a joke. I gave my Sports Law class a quiz Monday – some of the students are in here and one of the young ladies at the end of class came up to me and she said, "I should have asked questions, but I didn't understand what role the Securities and Exchange Commission played in sports law." Evidently she's not reading the papers or I'm not doing a good job teaching.

Let me start – this is really a discussion, or a panel that deals with the BCS and conference alignment. So why don't we just jump right in it, and I think the first question that I would like to ask is – we'll throw it up, really I think I'd like to go to both Mike and Gary on this – why are we seeing all the movement around of the schools from conference to conference? What is this all about?

#### Professor Gary Roberts:

Money. ...

#### Slive:

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Well, now that he's used up his time, I think I can take a shot at it...

### Roberts:

That's 95% of it – its schools trying to reposition themselves better in their industry, which is largely driven by an effort to increase your revenues. Boston College and Miami and Virginia Tech thought they were in a better position, for a variety of reasons, to make more money in the Atlantic Coast Conference; the Atlantic Coast Conference thought it, as a conference – because it could now have a football championship – was certainly strengthened by those schools, so it can make more money. That sort of left the Big East hanging out there to dry, so they went after schools from the next conference down on the food chain, which was our Conference USA, and they picked off Louisville and Cincinnati and South Florida; those schools wanted to go to the Big East because it's a BCS conference and Conference USA isn't – money. So there are some realignments that I think are to some extent driven by – at least in part – some other factors – natural rivalries and what have you. I'm still trying to figure out why TCU went to the Mountain West, that's just a total mystery to me. So some of these movements are not explainable solely on the basis of money, but most of them are just a desire to position yourself to increase your revenues.

### Dr. Andrew Sorenson:

I would agree that the monetary incentive is primary. This is my fifteenth year as a senior administrator in the SEC, and when Florida State University decided to switch its

conference alignment, I was at the University of Florida, and the president and I wanted very much to have FSU come into the SEC. They chose to go to the ACC, and I do not think there was a monetary incentive there. I think they believed – and I could give some other examples – that the ACC has, on average, more prestigious universities in terms of academic reputation. So with Chapel Hill, Duke, University of Virginia, that was a more distinguished group of universities than ours. I was also the president of the University of Alabama when Arkansas decided to switch conferences, and the university I'm currently President of decided to leave the ACC for the SEC – and I wasn't there and this is hearsay, so please don't put this in the *Chronicle of Higher Education* – the rumor is that personality conflicts were primary in terms of that shift in alliance, and it didn't have anything to do with money. It had to do with egos and outside personalities.

### Slive:

I think all of those reasons, David, are there. I think also there is a sense of what conferences have grown to be over a long period of time. The Big 10 – names don't mean anything anymore, by the way – the Big 10 is eleven, and they're not driven to go to twelve so they can have a football championship game. I think Jim would tell you that if he were here. The ACC felt the need to develop football and go to a championship game, so they did what they did. Whether the geography and the nature of competition between conferences impacted those decisions, I think...though I think there are four or five

**“... we have now twenty-eight bowl games involving fifty-six universities that play in a nationally-advertised bowl.”**

reasons: one would be revenue, one would be, as the President said, a fit in terms of either aspirations or reality, but then I also think there's a question of who you're competing with in your neighborhood.

**Williams:**

I was going to ask Jim, if he were here, about the Big 10 and why they have stopped at eleven. Mike, what I hear you saying is you think there's no desire for them to go to twelve, or is it that there's not a twelfth school that fits into their plans?

**Slive:**

If this was a trial I would object to the question, because I can't put myself – it's speculative, I can't put myself in his head, and I don't mean to do that. All I can tell you is that they have not been driven to do that. Jim would tell you that the championship is not...whether there be another reason – and I'm not so sure it would even be revenue – there could be another reason given fit and other issues.

**Sorensen:**

I have it on very good authority that the Commissioner is organizing a touch football team with the eleven presidents playing the eleven provosts.

**Roberts:**

I think the Big 10 is waiting for Notre Dame.

**Sorensen:**

So are a lot of other people.

**Roberts:**

Right, exactly.

**Williams:**

Mr. President, and Mike for that matter, what about the SEC? We're at twelve, will it get bigger? Will it get smaller?

**Sorensen:**

I defer to the Commissioner.

**Slive:**

Twelve's an ideal number, in terms of a lot of things that we do. It's not a front-burner issue, as you well know, but I think it would be irresponsible of me to say that it could never happen. I think I keep it in the back of my mind in terms of where we are and where we want to be, but it's certainly not an issue on the table, and we are involved in absolutely no discussions with anybody about anything.

**Sorensen:**

I was privy to the deliberations for expansion of the Conference size before Mike Slive became Commissioner and the only thing we stipulated ... is that we would increase by an even number of teams. That was a strong feeling among the presidents, but there's been a huge turnover among presidents since then, so I don't know if that sentiment would still prevail.

**Williams:**

Gary, you brought up the issue of moving from Conference USA to the Big East because it's a BCS conference. So why don't we go with that, and really before we [go past the issue], I'd like to ask Coach Johnson, as one who coaches the teams – wouldn't you prefer a national championship game?

**Coach Bobby Johnson:**

Not really. We feel like the bowl experience is very important to our athletes, it's something that they aspire to at the beginning of the season, it's a goal that they have. With the BCS system and the bowl system, I think we have more teams having an opportunity to participate in post-season play, and it's limited in the number of games you have to play. A national championship in some form of a tournament would also add maybe up to four or five games to a season for a particular team, or at least two teams. When I was at Furman, we experienced that three times. All three times, there were exam schedules involved, we actually had exams on the morning of an afternoon semi-final game, and we won. So you can do it, but it's a pretty tough situation to reward eight teams or sixteen teams, where now we have thirty teams being rewarded at the end of the season.

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### Williams:

There's always talk that part of the reason we don't have a championship game is because the presidents won't allow it. Mr. President, why is it that the presidents don't want a championship game?

### Sorensen:

Well, we have – I agree with Coach Johnson – a lot of us currently have eleven-game seasons. There's an impetus nationally for a twelfth game, and we have now twenty-eight bowl games involving fifty-six universities that play in a nationally-advertised bowl. To add a BCS, as Coach Johnson said, of multiple weeks on top of that is insane. I defer to Professor Roberts on this – because this is a legal issue and I've been warned by my General Counsel staff not to practice law without a license, something I'm exquisitely sensitive to in this audience – that the fifty-six municipalities that have invested millions and

and said we decided to do away with the Music City Bowl, and then multiply that times twenty-eight, I think it would be a horrendous legal morass. But I defer to Professor Roberts on that, or Professor Williams, who also teaches sports law.

### Williams:

Gary, what do you have to say about that?

### Roberts:

I could wax on this for hours, but first of all, you don't need to do away with the bowl system in order to have a playoff system that produces a national champion. You could use the bowls as the mechanism for producing a national champion. There have been a variety of different plans put forward that would preserve the bowl system and still provide for a national championship. It's true that in order to make it an inclusive field, you would have to

**“... you don't need to do away with the bowl system in order to have a playoff system that produces a national champion.”**

millions of dollars in securing those bowls derive huge economic and political benefit, as well as civic pride. I'm confident that whatever body issued an edict for a national championship would be inundated with lawsuits and injunctions. I was involved in the organization of the first Music City Bowl in Nashville because one of our alumni at the University of Alabama (I was President of Alabama at the time). As it turned out Alabama played in that bowl – I would like to think there was no causal relationship in those two facts. The kind of intense pride and effort and community-wide planning, and then we had post-mortem meetings talking about the benefit to the city. I think if you came here to Nashville

add a couple of games for those four and two teams that make it all the way through, in order to achieve that. Personally I'm not that much of a fan of the concept of a national championship or a playoff. I think that that's just doing even more of what is fundamentally corrupt and wrong with the system, which is further commercializing it. I don't like the BCS, and indeed I'd probably catch hell from my president if I went home and he heard that I'd said I like the BCS, but...

### Sorensen:

I know his president, that's true.

**Roberts:**

I was the one who convinced him, I think, originally, but...

**Sorensen:**

But you saw the light since then.

**Roberts:**

Not exactly. What's fundamentally wrong with the BCS is that it basically splits Division I-A into two fundamentally differently-treated groups. There are the members of the six favored conferences, who have easier access to the system, and a guaranteed share of a huge pot of money, and then there are the five less-favored conferences for whom it is very close to impossible – although as Utah proved this year not totally impossible – to make it into the BCS system. Certainly none of those schools are ever going to make it to the championship game. And of course those schools don't divide up the revenues in the same way. So you've created two classes of citizens, which in the long run are going to drive a lot of those schools, either de facto or in fact, out of Division I-A, out of the competition at the highest level, which will diminish opportunities for a lot of student athletes at those schools. And it's making life pretty miserable for those of us who are in the unfavored category. I understand the public pressure to have a national championship, but

those six conferences. But you ought to make the decision as to who makes it based on how they perform on the field over the course of the season, rather than creating what I regard as a cartel of schools in advance, which is automatically going to favor a certain group and exclude a different group.

**Slive:**

Without dealing with any of the legal issues, to quote Lester Munsen – some of you have read Lester Munsen, he writes for *Sports Illustrated*, and Lester characterizes himself as a recovering lawyer, and I put myself in the same category – so I'm not going to deal with the legal issues. When the BCS was created, it was created, in a sense, to create a national championship game. In order to do that, certain conferences that had long-standing traditions to go to bowl games that were involved, and certainly I think you would agree not wanting to give up something like the Sugar Bowl, or the Rose Bowl, or the Orange Bowl, or the Fiesta Bowl. So a system was created that would allow those conferences with long traditions and long commitments to major college football to continue, and still work through a system that would, in a sense, organize the post-season in a way that would allow that to happen. That's how it was created, that's how it was developed. Up through this coming year, we are in a system that has now

**“When Title IX became a mandate, universities generally – generally – did not step up and say to athletic directors, ‘We’re going to fund this federal mandate.’”**

if you're going to do that, with all the commercial costs associated with it, then you ought to do it on an equitable basis. Of course, 95 times out of 100 the two teams in the championship game, most of the teams that play in the BCS games, are going to be from

provided access to Utah as the number six team in the country. But more importantly, I think we've all sat down over the last several – well, its years now – to sit down and figure out a way to provide some more access to all the [teams]. We did another thing too – in the



beginning the commissioners really just involved themselves in operating the BCS. That's no longer the case. There's now a presidential oversight committee that's been formalized that really makes final decisions about the BCS, and there's also an athletic director advisory committee. All the institutions are represented – the original six BCS conferences, the former coalition group, and Notre Dame. We have changed the format dramatically, and as a matter of fact Gary's president signed the memorandum of understanding and the agreement to move ahead in the new BCS format that will allow, for example, if Tulane was to finish twelfth in the country, under the new format, then Tulane would automatically be in the BCS. Or if Tulane finished fifteenth and the highest-ranking champion from a BCS conference was twenty-first, then Tulane would be in the BCS. So access has been increased, revenue distribution has been increased, and the structure has been revised to make sure that presidents are in the decision-making capacity. To some degree – and you can't get away from it – where you stand is where you sit on some of these issues. Some of the conferences, over the years, have developed programs that have not only regional interest, but national interest. As we talked about this morning, for those of you who were here, there's an element of market value in this process. Certain conferences have developed ... over the years; to go to any other system was not going to change that. You could blow up the BCS, you could change the format, but there are certain fundamental tenets that really aren't going to change.

### Sorensen:

I'd like to add a couple of comments to what Professor Roberts and Commissioner Slive said. One is that there are a huge number of university presidents and board members and boosters who feel that if they can get into a bowl game, it will automatically make tons of money for them. And I have personal experience with a university that sent a team to Hawaii for a bowl, and lost hundreds of thousands of dollars because the [expenses for going to the bowl] didn't even remotely approach the revenues from the bowl. Secondly, there are a huge number of people

who think all Division Ia, big-time universities have a net cash flow from athletics to the academic programs. For the overwhelming majority of universities, it's the reverse direction. There's only a handful of universities that are completely, 100% self-sufficient, that pay 100% of all personnel expenses, all maintenance of all athletics facilities, all utilities, and so forth. It's a very very small number of universities that do that. A lot of presidents don't know that. My final comment is that there's a perception – I just had this conversation recently with my uncle, who's an avid sports fan, who had the notion that I think is widely shared in the American populace – that for those of us who have big-time intercollegiate athletics programs, a huge proportion of our university budget's revenues are generated from intercollegiate athletics. University of South Carolina – five percent of our annual budget is generated from intercollegiate athletics activities of all sorts – everything. Our principal source of revenue is grant and contract revenues from our faculty research activities; second is tuition; third is the state legislative appropriation; and a distant seventh or eighth is football and all intercollegiate athletics – five percent. So for people who look to the football program to carry the university – and this is in a university where there's a positive cash flow from athletics to academics – is preposterous.

### Williams:

That's an interesting point, and I guess I would like to follow on that, that at South Carolina there is a positive flow from athletics to academics, but as you mention at most universities that's not the case. Is there a thought that as the expense of having an athletics department rises, and in essence a subsidy has to be given from the university, that that's going to present a problem? Should that even be the way?

### Sorensen:

I'll let somebody else answer that one, because my experience at Florida, Alabama, and South Carolina has been that all of them have been completely self-sufficient and have in fact supported academic programs out of the academic budget. You'd be amazed at some

of the big-time universities that have truly outstanding intercollegiate programs in terms of the reputation of the compliance with NCAA regulations, with the character of the athletics directors, the presidents, the head coaches, where they divert money from the academic budget to the intercollegiate athletics programs.

**Williams:**

Well, Gary – Tulane is one of the ones. I can remember it wasn't more than a year or so ago that Tulane was actually contemplating, thinking about dropping sports, or at least football, for that exact reason.

It's true that athletic *departments* don't make money, but it is not true that football teams don't make money except maybe at Tulane. And I think that may be true at a lot of non-BCS schools. But by the time the schools in the major six conferences get their share of the Bowl Championship Series bowls, the conference television packages and what have you, I'd be surprised if there were more than a couple whose football team – if you could isolate those costs – didn't make a pretty substantial profit. And I think men's basketball is probably the same. So what we're doing is we're asking the athletes on those two teams, basically, to provide

**“Somewhere along the way, every school who plays football now, decided to play football – somewhere, somehow. And you choose the level at which you want to compete; you choose the parameters.”**

**Roberts:**

We were considering going to Division III, which I think the faculty, had they voted, would have been about 98% to 2% in favor of doing. To step back and take a look at athletics in a bigger sense, I think you have to look at football and men's basketball, and at some institutions women's basketball, ice hockey, and baseball, but I think primarily football and men's basketball are qualitatively different enterprises than the golf team, and the tennis team, and the swimming team, and what have you. Those teams function in much the same way as the debate team and the orchestra, the student newspaper, and other extra-curricular activities. It has always struck me as peculiar that football and men's basketball are asked to fund certain extra-curricular activities that don't generate revenues, but not other extra-curricular activities that don't generate revenues. Why the tennis team should be subsidized by the football players, but not the debate team, has never been quite clear to me.

a lot of subsidies for the rest of the athletic program. And it's true, very little of that passes into the academic part of most schools.

**Slive:**

I think for most of you that were here this morning, we sort of covered that issue [...] Through the decisions made by academic institutions that there was value in intercollegiate athletics, and that it was a worthy enterprise for higher education to support, but that it had to fund itself. That decision then just created what we talked about this morning, the commercial side and the noncommercial side. When Title IX became a mandate, universities generally – *generally* – did not step up and say to athletic directors, “We're going to fund this federal mandate.” I think what really happened in most places was the athletic department was required to find ways to make that happen, and did, and have done a very good job in our league. I think we do have the commercial side, we do have the educational side, and – I think we talked about it this

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morning – the balance is the difficult [part], and the part that we have to continually work carefully on and be vigilant about.

### **Williams:**

Coach, the Commissioner has brought up this whole concept of the commercial side. You're in a business that, for better or worse, there's an expectation that you will win. And at the same time you're at a university, for better or worse, where the expectation is that you will not only develop young men, but you will graduate them at an extremely high rate. Is that a conflict?

### **Johnson:**

It would seem so at times. But, those are the circumstances that I think Vanderbilt chose to run their football program, and have it represent the university. It's the circumstances that I chose to become the head coach here, and I knew the situation. Those are the circumstances that we feel like we still can do those things and still be competitive even though we're in one of the best football leagues in the NCAA. So I think it's an open choice of how you run your program and how you want to compete. Somewhere along the way, every school who plays football now, decided to play football – somewhere, somehow. And you choose the level at which you want to compete; you choose the parameters. Some schools, for example – the only ones I can really talk about are the ones I worked for – Furman University knew revenue was not going to cover the expenses. They were willing to subsidize the football program, the athletic program, because they thought it was important. Somehow, some way, in their history they thought it was important. And they continue to do that. I think Vanderbilt in the same way, right now, feels like it's important to compete on this level, but do it the way Vanderbilt wants it done – and that's the way I want to do it.

### **Sorensen:**

David, I want to commend Chancellor McGee, and you, and Coach Johnson for your absolutely rigorous and consistent adherence to the goal of having very high graduation rates for all student athletes. We have meetings

occasionally of the SEC presidents, and Chancellor McGee – who's a very good friend of mine, and has been for a long, long time – never misses an opportunity to share with the rest of us SEC presidents the graduation rates of Vanderbilt student athletes. He is very proud of that, and I hasten to say, justifiably proud. I think it's terrific, and it's a norm that I wish that all of us would aspire to.

### **Slive:**

One of the interesting parts about belonging to a conference – I talked about this this morning – is that we share equally the revenue, with some exceptions – we do reward people for a few things here and there – but basically, when we divide up the revenue, all of our institutions get the same [amount]. We don't measure any institution's contribution to our conference by the success of their football program. We measure the contribution of our institutions based on their overall approach to the conference and to their goals and their missions. So, yes, there is a commercial side, but there's also a noncommercial side.

### **Williams:**

Let me follow up on that. Coach, I think you clearly indicated our views here, and [...] that you agree with those views, and I can attest to your seriousness about that. But the question that would be asked is, do you feel that that level impedes the opportunity to be successful on the field?

### **Johnson:**

It handicaps us, yes, sometimes. But we don't, I don't, get frustrated because other schools have lower graduation rates than we do. In fact, we want to continue to have our graduation rates, but we want to compete on the athletic field, too. So we may bring in some guys who may not be 1400, 1600 SATs, and say, "Do you want to compete in the classroom at Vanderbilt, and on the playing fields of the SEC?" And sometimes these guys are going to be successful in both areas, and sometimes they're not. So I think certain football players and the coaches were willing to take chances and not just say we're going to have a 100% graduation rate and not care if we win or not. We're going to challenge a young man who may

not be 1600 SAT and say "You can be successful if we help you and nurture you and help you along," and that will allow us to compete better in the SEC against the teams we play.

**Williams:**

President Sorensen mentioned that while he was at Florida, Florida State decided that at least one of their reasons to go to the ACC was the quality of the schools. Professor, should Vanderbilt, and Tulane, and the Stanfords...

**Roberts:**

Yes.

**Williams:**

... and the Northwesterns, should we be a conference of our own?

**Roberts:**

Yes, I think so. I think we would all be more comfortable with that. I must say, I don't understand the Northwesterns and the Vanderbilts. There's certainly a financial reward for being part of the SEC, but I would think that they might win a few more football games if they were in with the rest of us. It just seems like institutions that are similar academically could compete with less ethical compromise better on the field if they were grouped together. It doesn't make a lot of sense to me to have schools that have different kinds of academic missions mixing and mingling in the same conference. You know, here's Tulane in the same conference with Southern Miss, and Louisville for the moment. Schools like that, big state schools that have a different [mission] – there's nothing wrong with the mission of either kind of school, it's just they're different. So they create a different playing field, and it makes it more difficult. I think if Vanderbilt, and Tulane, and Southern Methodist, and Rice, and Northwestern, and Duke, and those kinds of schools were all bunched together, it would be a fabulous athletic conference. We probably wouldn't make the revenues that the big state schools could make, but I think we'd all maybe sleep a little better at night.

**Sorensen:**

I'm not going to mention any conferences by name, but I can assure you, Professor Roberts, that, if you talked to five presidents in each of the big conferences – and again, I'm not going to mention any – and you asked them if there was a very narrow band in academic reputation among their universities, they would disagree vehemently. They see a bell-shaped curve, and most of them think their institution is at the high end of the distribution. I know that for a fact. So how would you, if you were going to do that – I think there's unanimity of opinion in the Big 10, for example, that Northwestern is a truly outstanding university in terms of academic reputation. But I taught for fifteen years in medical schools and I never had a student say "I was in the bottom ten percent of my class." All my students were in the top third of their graduating class. So when you talk to conferences, about what are the best universities, you can get [that] the ACC would agree on Duke, the Big 10 would agree on Michigan, and the PAC 10 on Stanford, but there's a huge disparity of the presidents and provosts of those universities as to the homogeneity with respect to academic reputation.

**Roberts:**

You're being a little too defensive, because I would agree that there are some big state schools like Michigan that are just outstanding academic institutions. But when you have 40,000 students, you have a very different kind of culture, and putting a hundred football players into a population of 40,000 students is a very different thing than putting a population of a hundred football players into a population of four or five thousand students. And it gives the big state schools more room to play, if you will, than the smaller private schools. I think that it would just be a lot easier – I'm not in any way impugning the academic reputation of state schools or private schools at all. There are a lot of private schools that, in terms of the food chain, are probably not as high up as many of the state schools. But I still think that they would be more comfortable grouped together for athletic purposes, just

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because of the demographics and the nature of the way they have to function.

### Johnson:

Well, let me say this also. You're really only talking about maybe two sports here – football and basketball. Because if you look at the SEC and you look at Vanderbilt's participation and success in other sports, you would say we more than belong and can play in the SEC; our golf teams have been fantastic, our tennis teams have been fantastic, even in the revenue sport of basketball, we were in the Sweet Sixteen last year, so you're talking about

the world of the NCAA, so we had to bite the bullet and stay at Division I in all sports. I think, we're talking football, yeah.

### Williams:

Mike?

### Slive:

I think they've covered it. I was concerned, there was a bit of a pejorative tone to the conversation a few minutes ago, about other institutions. I think it got cleared up. I think what we're talking about here is a private institution in a conference with public

**“We don't measure any institution's contribution to our conference by the success of their football program.”**

one sport. And I'm not [eliminating us] from being up in that elite area – or I wouldn't be here. So, we're trying to get that way, and I'm trying to reach the level of our other sports at Vanderbilt.

### Robertson:

I agree, we're talking about football. It's because a football team is an army – it's a lot of kids out there, and the football team has an impact on your population disproportionately when you're at a small school, where you only have four or five thousand students in your student body. Tulane's got five teams ranked in the top twenty in the country; our baseball team's ranked number one in the country in one of the polls right now. We can compete at any level, in every sport but football. It just makes it almost impossible to compete. That's one of the problems with the review we went through a couple of years ago. I think, had we been able to go to Division III in football, and stay Division I in everything else, we probably would have done that. But you can't do that in

institutions, if you're talking about Northwestern, or Vanderbilt, or Baylor, that's the issue. These institutions are very important and valuable members, as Coach Johnson said, to the overall conference, and make enormous contributions in a lot of different ways. If you're going to over-emphasize football, maybe you move your conference to someplace else because of football, but it's the opposite. There are a lot of other values for these institutions to be involved with a lot of great state institutions, and to elevate the programs, and to mix and to mingle and to give opportunities to compete. So I just wanted to make sure that this conversation stayed in the right place.

### Sorensen:

I'm delighted that Vanderbilt is part of the SEC, and I hope it remains so.

### Williams:

Speaking of Vanderbilt, and being the only private school in the SEC, and actually the smallest, one of the things that we have

noticed is that as we make our strategic plans, as it relates to who we want to be as we move forward, there are sports that we think help us do what we want to do. Let me give you an example. Women's lacrosse at Vanderbilt has been a boon, not only on the field – final four – but also to help us with recruiting in a certain portion of the country. We've really, led by our women's lacrosse team and its success, been able to do a lot [in the] Washington, D.C. – New York area in recruiting. But the SEC doesn't have women's lacrosse. So it means that we have to spend an awful lot of money to send a team up there. Is there any hope to see the SEC expand away from what only the eleven state schools look at, and look at a private school, and say, "Maybe it makes sense to add a sport that kind of helps them."

**Slive:**

...

**Williams:**

I could ask this maybe at the meeting later in the month.

**Slive:**

Well the reason I really hesitated was, you're talking about my sport. It's one that I competed in and hold dear to my heart. The answer to your question is probably no.

**Williams:**

What do we have, ten minutes? Any questions from the audience?

**Roberts:**

Actually I think we have forty minutes, don't we?

**Williams:**

Oh, you're right.

**Audience Question:**

In a situation with a school that doesn't reach a very high level in the sports such as baseball, why can't they move down to even I-AA as, say, Georgetown does in football... ?

**Roberts:**

We could go to I-AA; you'd be Division I in all other sports. The A, AA, AAA only

defines your football program. The problem with I-AA is you have all the expenses and none of the revenues, so you tend to lose a lot more money, so that wasn't an option. Secondly, for a school like Tulane, there aren't very many AA schools nearby to play. So that the only option for us, if we want to keep all of our other sports as a Division I program, would be to drop football altogether. In the Deep South that's akin to declaring yourself to be an atheist, so...

**Sorensen:**

Touché.

**Roberts:**

Georgetown can get away with not playing football in Washington, D.C.; Tulane can't get away with not playing football in New Orleans, it's just a different culture.

**Slive:**

You asked a very good question, though for maybe a reason you hadn't thought of. What is the role of I-AA football in the NCAA and in Division I? The NCAA, through its various groups, has been looking for ways to enhance I-AA. There's an enhancement package that has been put out ... that's a companion piece to a debate that's going on now about I-A criteria. There's been a set of criteria put together that you would have to meet to be a I-A institution, and it deals with who you play, attendance figures, how many scholarships you give, and there's a debate and some concern on the part of some that those criteria are inappropriate. One of the ways we might be able to help with that problem is eliminate the designation of I-A and I-AA. Because I think not only is there a difference in the scholarship level, but there's a sense that one is something less than another. In basketball we don't have that designation – you're either in Division I or you're not. So if we were to say in football, "You're in Division I," then Tulane wouldn't have to think about being a I-AA, they're Division I football. Then you could decide at some point in time, given your own needs, whether you want to declare for the championship as provided by the NCAA or you want to declare for the bowls. But at the same time we know it might help all those institutions to take away some of the

nomenclature that may have been a disadvantage.

### **Williams:**

Under the I-A and I-AA, if you did away with it, isn't there a fair amount of money that's shared by I-A that is not shared by I-AA? Would they then share in that?

### **Slive:**

First of all, the football money is not within the NCAA. So I'm talking about helping just in terms of – the NCAA affects football in terms of scheduling issues, eligibility, who you play – the governance system. But you're not talking about revenue distribution. You're talking about trying to help – and I-AA has been working for years, just trying to get out from underneath the label. Since there's some disagreement about whether you should have I-A criteria, then it might make some sense. I'm just throwing it out as a debate that's ongoing now in terms of at least maybe just going to Division I football.

### **Robertson:**

The problem with doing that, though, is that if you're in I-AA you can only give 65 scholarships, if you're in [I-A] you can give 85, and if you make everybody the same then there will be enormous pressure on the current AA schools to give twenty more scholarships...

### **Slive:**

I'm not talking about that, I'm talking about labels and enhancements. My understanding would be that if you were to declare that you wanted to compete in the

NCAA college championship, then you would be limited in the number of scholarships you could give. If you wanted to play like a I-A and give out scholarships up to 85 then you could, and you would then be eligible to play in the bowls if you qualified.

### **Roberts:**

But if everybody is Division I, then they'd all be able to give 85 scholarships.

### **Slive:**

No, not necessarily, if you declare that you want to go to a certain championship, then you're going to [be essentially a I-A]. I'm just telling you that the debate is going on because there are several institutions that don't want to have any separate criteria for being in I-A. So one of the ways to do it is to eliminate the name.

### **Audience Question:**

I guess I'm coming from more of a mid-major perspective regarding either men's basketball or football. One of the things regarding competitive balance and revenue both, is the fact that a lot of the really big schools can basically force the smaller schools to come to them to play ... I think Kansas played thirteen or fourteen games before they played an away game. Has there been any thought given to incentivizing teams, whether through the BCS or whatever ... to play more ... road games?

### **Slive:**

In basketball, we've just modified the RPI. The RPI is now a weighted RPI, and it gives credit for playing on the road. It can give

**“... a football team is an army – it’s a lot of kids out there, and the football team has an impact on your population disproportionately when you’re at a small school...”**

credit for playing on the road – it’s a complex formula, but it’s very clear there’s a certain gain by playing on the road, and there’s a bigger gain if you win on the road, and you could have a loss at home that could penalize you. So I think there’s been recognition that that issue should be addressed, and it has in fact been addressed by the basketball committee. And the basketball committee this season has now gone to the weighted RPI. I think the committee also looks very carefully at who you play, and where you played them, and what happened, and what you’re trying to do for your program, in order to give credit in post-season consideration for effort to compete at a high level, and be willing to go on the road, and understanding that it is difficult to get certain teams to come to your place.

**Johnson:**

In football you’re asking a coach in the SEC who plays eight SEC games to go to what you’re calling a mid-major. Let’s take for example, for us to go on the road and play Miami two years ago ... wouldn’t have made a lot of sense to us. You’d have a lot of coaches in therapy if you had to do that.

pocket the \$2 million profit. It’s largely a money-driven thing. The question a coach has to ask himself, or an athletic director, is do we want the money to basically go and sacrifice our kids to the slaughter, or do we want to find competition that would be more equitable and give us a better chance at winning, but we don’t make the money. That’s a tough choice, and a lot of programs need that revenue in order to survive. I always feel sorry for those kids from Idaho that come down to LSU and get slaughtered every year, but I guess Idaho needs the money.

**Audience Question:**

This is a question for President Sorensen, primarily ... You talked earlier about situations where there’s a net revenue flow from the athletic department to the institution as a whole, and you’ve been at several schools where that’s been the case. Can you talk a little bit about how each of those schools determined how much revenue flowed from the athletic department to the institution, and how much was left over for the athletic department to then decide what they’re going to do, and a little bit about the negotiations between the athletic

**“The problem with I-AA is you have all the expenses and none of the revenues, so you tend to lose a lot more money...”**

**Sorensen:**

That’s great.

**Roberts:**

The interesting phenomenon is that a lot of those schools – every year LSU plays a couple of games against Idaho and Lower-left Posthole State, which always end up [around] 81 to nothing, and they pay the visiting team \$500,000 to come down there and then they

department and the president about what that cut should be.

**Sorensen:**

Of the two universities of which I’ve been President, the President has played a pivotal role in those discussions, and the athletics director reports to me. I don’t want to get any more specific than that; I play a pivotal role, let’s just leave it at that.



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### Williams:

In my experience, certainly at Ohio State where it was similar to that, it wasn't a matter of negotiations ... The athletic department reported to the university, and the university would, through a process, set what that number was. There was always a bottom-line number, and that number couldn't go below that, but it could certainly go up. And in bad budget years in the state of Ohio, at least three of the four years that we had budget problems, that number did go up. But it wasn't a matter of the athletic director was going to come in with his lawyer and the president would come in with her lawyer and there was a negotiation. There was a note sent over with a number. ...

### Sorensen:

I have eight vice presidents, a general counsel, and an athletics director who report directly to me. Each of them comes in at a budget meeting, where that unit is the sole representative there, and they can bring as many people as they want, they can bring in bookkeepers, and if they want to bring a lawyer in they can, and then my CFO and I receive their reports. We scrutinize them, we study, we talk with them about it – it's all a very open process – and then we make a determination and inform them of the determination after they make the presentation. I worked with ... five, soon to be six, athletics directors who reported to me exclusively, or when I was at Florida, reported a board of which I was a member, and I've always found them to be congenial and interested in harmony at the highest level of the administration of the university.

### Roberts:

From the experience I've had talking with people, I think the way budget numbers are worked is different at every institution in the country. It depends on the personalities, it depends upon the formal structure, and it depends upon the culture. There are some schools that we've jokingly, in our conference, said that the president reports to the athletic director, the athletic director reports to the basketball coach, and the basketball coach gets whatever he wants. At other schools, it's just

totally different. So I don't think that you can generalize any answer to your question, it's just anecdotal.

### Sorensen:

I agree.

### Williams:

The follow-up to that would be the flow the other way. When you have a situation where the athletic department does not generate enough money to cover its own expenses, how does one make a determination of how much university money is going to flow to athletics, and where do you take it from? I think that becomes the more pressing question...

### Roberts:

It's the same process; it's just that the money's flowing the other direction. It's got to be worked out between the central administration and the athletic department. What that process is depends upon the structures, and the people, and the culture, and whatever. I don't think you can generalize how that works.

### Sorensen:

Coach Bryant was the head football coach and the athletics director at the University of Alabama long before I became its president, and died long before I became its president, but I was told by many long-time boosters that the president of the university served at the pleasure of the head coach.

### Audience Question:

Back to the first question, I'm just wondering why the NCAA doesn't allow a school to go Division III in football while remaining Division I in everything else? What's the problem with that if it's a good fit for Tulane or another school?

### Roberts:

There's a cynical answer and there's a sensitive answer. I think it's just a matter of evolution. There's a sense that – and this is the way I understand it – way back when, it was just decided that athletic programs were going to be treated as a whole. That's why the football

team subsidizes the tennis team and the golf team, but not the debate team. There's a certain group of activities that we consider to be athletic, and those programs all have to be part of a program that functions at the same level. Now there is – in Division III there used to be, but I think they eliminated it two years ago – where a Division III school could have one sport compete at the Division I level. I think they grandfathered it in, but I think they won't allow new Division III teams to do that, but I don't know. One of the things we considered a few years ago was going to Division III but having a baseball team compete at the Division I level. The bottom line is that it's just expected that athletic programs will function with all their programs at the same level. And as I think about it, as a practical matter it would be very difficult to have an athletic department with different programs functioning at different levels, because you would have some coaches who were Division I coaches, and some coaches who were Division III coaches who can't give scholarships and other coaches can give scholarships. I think that athletic department would be a disaster to try and manage. So there's a practical reason for it as well I suspect.

### Slive:

There's another reason too, and that is that each division has a mission. If your mission is to provide, like in our league, a quality, nationally-competitive program, what happens with an institution that has a Division I basketball team and has every other team in Division III? Those resources are not going to be seen by those teams in Division III, they're going to be seen on the basketball front. So the issue here is, what's your mission, what's your goal, what does your program look like, and what are you trying to get done? It's an institutional membership, not a sport-by-sport membership.

### Audience Question:

This question is for the panel, regarding [Professor Roberts' earlier point] about schools like Vanderbilt, Northwestern and Stanford in conferences, and whether they should be there, or create a more competitive conference. Doesn't that risk creating, even more than the

extent to which it exists today, conferences that are semi-professional... ?

### Roberts:

I'm not sure I completely understand the question. You're right, it could have that effect. I don't know how to answer that in less than two hours, so I probably shouldn't try. I think the way we're evolving now is that the major conferences are becoming more and more professionalized. I have to go back to something Len Elmore said in the first panel, that I agree with entirely. One of the real problems I think the NCAA and college sports functions with is the 1984 decision of the Supreme Court which basically said that the commercial side of the business cannot be regulated, but the academic – the student athlete side – can be regulated. So what you've got is a four-hundred and sixty-some page manual that regulates the labor market for student athletes and nothing that regulates the commercial side. So the commercial side has just overwhelmed the other side, and I think that's what causing so many of the problems. But eventually, if we don't do something to rein in that commercial side, you're going to see some of these programs evolve into such incredible revenue generators that they're essentially going to become more and more professionalized. That's what *Miles Brand* is talking about, we've got to try and move away from the professional model of sports. And I think that's going to happen whether Vanderbilt stays in the SEC or not. So it's a real problem, but I don't think it's a problem that really relates to whether or not Northwestern and Vanderbilt are where they are now.

### Williams:

Anybody else want to speak up?

### Audience Question:

Professor Roberts mentioned earlier ... possibly separating the conferences more based on academics ... but I wonder, shouldn't size be a pretty large factor, given the recent [influx of revenue] that larger schools get from luxury boxes and the stadiums themselves that smaller schools just can't compete with?

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### Roberts:

I'm not sure what the question is. I didn't say that it should be based so much on academics, we had that discussion. There are some very fine large state schools, and there are some very crummy small private schools. So, I think you're right, it's an issue of size and institutional mission that should drive it more than just where you rank in the *U.S. News* rankings, that's really not relevant to me. You look at Tulane, we've got a real problem – most of our alumni are scattered all over the country, we don't have very many alumni in south Louisiana. Our football games, if we draw twelve, fifteen thousand people, that's a pretty good afternoon for us; up at LSU they're turning away people in a 95,000 seat stadium, because their alumni are in the state, because they're "the state school." They're just different

go to northern California to play Stanford, go to Chicago to play Northwestern. There are no natural rivalries, there's nothing to draw those schools together.

### Roberts:

Well, you might win some more games, though.

### Slive:

One of the great strengths of a league, that we have, is the geography. We're blessed with good geography, we're a regional league, people can move between institutions to watch any sport. In our league, last year we had 5.8 million people go to our football games, and we televised 75% of them. There's just this incredible interest in our conference that doesn't exist in some other institutions and

**“The problem with I-AA is you have all the expenses and none of the revenues, so you tend to lose a lot more money...”**

kinds of institutions with different missions, so they're inherently in a different place of the food chain in the revenue-generating part of this business. That's why I think it would make more sense for these schools to be grouped more sensibly, based on these other factors, than they are now. But that's a minor issue – Vanderbilt's not going to leave the SEC and Northwestern's not going to leave the Big 10, and I doubt they're going to invite Tulane to join those conferences any time soon. I don't think you're going to see much change in that regard, I just think it would be, as a purely theoretical matter, a better system to have it that way.

### Johnson:

I think they'd be very boring conferences, if we had to go to Tulane to play,

some other conferences. That's just the reality that we've inherited. The question is, the one we talked about this morning – and I thought that Len was incredibly, exquisitely articulate on these issues this morning – the one we haven't talked about this afternoon is the question of opportunity that Coach Johnson alluded to. The opportunities that we have provided through athletics, as we have taken on many, many important societal issues, head on, and we've succeeded at some, and we've succeeded moderately at others, and we haven't succeeded at some. But issues of gender equity, and issues of diversity, and issues now of academic reform and issues of student athlete welfare and opportunities – we've taken these on. The issue is the one we talked about this morning, the balancing act of trying to make sure that we can generate the revenue that our

athletic directors need to support these broad-based programs. You can be Chicken Little and say the sky is falling; if we had this seminar in 1940, the sky would have been falling, and if we had it in 1950 the sky would have been falling, et cetera, and when you guys have it in ten years from now the sky will be falling. The issue is, we have a very large, complex enterprise. There are a lot of interests, and there are more interests in it now than ever before, a lot of interest in it by folks who don't belong to it but want to benefit from it, and that becomes increasingly difficult to manage.

#### Sorensen:

During the years I taught at Johns Hopkins Medical School, the President informed me that he was instructed by the AD to wear a sandwich board and parade on University Avenue in front of the football stadium with this sign: "Help, we need to have more than 400 people attend the football game tomorrow." When I left Johns Hopkins, with an average attendance of four or five hundred people for football games then, and went down to the University of Football, there were three national football league teams in the state of Florida, and the largest stadium in state was

universities, and the development of character, integrity, and – as was pointed out earlier this morning – of the preparation for life after intercollegiate athletics, which the overwhelming majority of our student athletes, even in Division I-A schools, will embark on.

#### Roberts:

Can I just add a wrinkle to that? I haven't had a chance to get into some of the controversial positions I've taken over the years. But I want to add just one note to this commercialism issue. There is very much about intercollegiate athletics that is great ... we've got hundreds and thousands of young men and women who are really maturing, and gaining self-confidence and self-esteem, and learning how to be part of a team, there's so much in college athletics that's good. The problem is that we have allowed basically two sports to become too commercialized. And I think the reason that that took such a huge leap forward was that 1984 Supreme Court decision that basically unleashed the dogs. As a result we've ended up with a situation where schools are like the dogs chasing their tails – everybody feels like they have to generate a lot of revenues, and in order to generate a lot of revenues you

**“There’s a certain group of activities that we consider to be athletic, and those programs all have to be part of a program that functions at the same level.”**

Florida Field at the University of Florida, with 85,000 people – the scale is just colossal. We need to be careful – my final shot is to echo what Professor Roberts said earlier – we need to be terribly sensitive to the increasing commercialization of intercollegiate athletics, with its huge burgeoning interest, and television contracts of millions and billions of dollars. We need to make sure that we keep our focus on the integrity of the mission of the respective

have to win, and in order to win you have to attract the best athletes and the best coaches, and in order to do that you have to generate a lot of revenues ... and everybody has to win, but everybody *can't* win. So everybody is constantly pursuing the brass ring that not everybody can grab. It's a perpetual upward pressure, as [Sid Demcey] used to call it, the arms race. If every school in America tomorrow tripled their expenditures, half of them would

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still lose. There's no way that everybody can win, and yet the pressure is there to do that. The problem I see, in all the problems – every day you pick up the paper and you read about scandals with coaches teaching classes that kids don't have to attend, and kids getting admitted with welding certificates, and it just goes on and on and on. We know there's something dreadfully wrong, and what's dreadfully wrong is there's just too much commercial pressure on the coaches and the athletes in these two sports to win ball games, that inherently leads them, I think, to corrupt the system. We've got to figure out some way to rein in those commercial pressures. Otherwise it's a great system, it's just that that's like a cancer growing on the system, and it's going to rot the system until we figure out some way to rein it in.

### Williams:

We need to start to wrap up. Mike, you talked about the geographic location, and my thinking of conferences would support that. But I would say that as you start to see a Louisville join the Big East, you start to wonder about whether or not it is the chase [after] the dollar, as opposed to something that basically is in there. But I thought you made a real good point, and I think Gary reinforced that, about all the good that college athletics does, and how they attack problems. But I think I want to close with one that has mystified me. Yesterday the Cleveland Browns announced that they would make the, I think the Defensive Coordinator, from the Patriots their head coach. That's the sixth minority head coach in the NFL – we don't have that in college. Why?

### Slive:

I wish I had all the answers. I think that one of the issues for us is trying to – the focus has been on getting – for example, in our league when Coach Krum came to Mississippi State as the first minority head football coach, it was a very important, historic, symbolic decision. When you look back on it ... you say, "How do we get coaches prepared to be head coaches." One AA – as far as I know – I could be wrong, but as far as I know – one AA, other than the historically black institutions, may have one or two minority head football coaches. One of the things that we need to do is to try to

figure out how we can develop opportunities to develop. So that when these opportunities come they can be taken advantage of. I think Miles is right, we need to have, whenever we can, search processes that bring a diverse pool to the table. When I look at athletic administrators, for example, in the South Eastern Conference, when [Damon Evans] was appointed at Georgia, it's no surprise. If you look at almost every one of our institutions, in a key position in the athletic administration, there's a very young, talented minority getting ready. So we've been able to find ways to prepare people so that the pools are larger and more experienced. That's why we've done minority internship programs at the South Eastern Conference offices, because we want to make sure that young men and women have a chance to get the kind of experience to be in those pools.

### Williams:

I understand that, but you can look at basketball and at the situation at Mississippi State, where they actually did go to the pros, there's clearly defensive and offensive coordinators in the pros, there's some in college. But for some reason, that just doesn't happen in football. We're almost at a point where, in I-A, you're going to have more minority athletic directors than you will football coaches. That has mystified a lot of us, not understanding why. My breakdown on things like that is that at some point you can get down to the one reason ... but for the life of me, I can't figure out what is the reason. Especially when the NFL, with so fewer changes, can now have almost twice as many as we do in college, where we have considerably more opportunities of head coaches.

### Roberts:

I can't answer the question, because I think it's so complex, but I can give you a couple of anecdotes, and I think there's probably some general lesson to be learned. A head football coach at a major Division I-A school is much more than a football coach. He is somebody who is expected to raise a lot of money, to move gently among the alumni and be one of the good old boys. I think that there is probably a lot of very subtle pressure at institutions ... I

remember back in the late 80s, when I was very much involved in the process, when we went to hire our first African-American head basketball coach, Perry Clark, at Tulane. There was unbelievable alumni pressure put on our president not to hire him, simply because they didn't want him going to the men's clubs in downtown New Orleans and mingling in a milieu where they just aren't used to black faces. And I think that that takes generations to break that down, and it's sad, it's unfortunate. But I think that universities are so dependent on their alumni, and there are so many older alumni who harken back to earlier days, who have a lot of money to give, who they don't want to alienate. I don't think anybody will articulate it in quite those terms, but I think that is something that is going to have to be overcome before you're really going to see those barriers break down. [In] basketball it has broken down, because it is such a predominantly African-American sport now, and because the pressures on the basketball coach are not quite the same as they are on the football coach at those institutions. I don't know if that's a general problem or not, but I know it's a problem in the south, and I know it's a problem in New Orleans. Racial problems are so pervasive in our society it's hard to put your finger on where exactly they have their pressure points, but it's obviously a problem.

**Johnson:**

I have to agree, that during that period of time, that was probably the main problem. Because of that, not only were minority candidates not getting head coaching jobs, they were not getting coordinator jobs and high-level assistant jobs. So therefore, in this period of time, or the years before us, those guys have not been in the limelight and have not been in the kind of positions to put themselves in position to become head coaches. I personally think that's going to change. There are thousands of bright minority candidates out there; I have several on my staff. I hope they find the avenue to get in there, because when they do they're going to do well and hopefully all those prejudices will be forgotten. It's just that they're posturing right now, and they have not made it up that chain to get their foot in the door.

**Len Elmore (in audience):**

Just to piggy-back on what everyone said up there, this is a question of [interaction]. I think that, as Coach said, there are a number of people who have the qualifications, but the decision makers don't know about them. When push comes to shove, and you fire a coach ... now you've got pressure, between recruiting schedules and everything else, to hire your next coach, [so] you go to your short list. You haven't met anybody on your short list, the short list is just the names that normally [proliferate]. I think over a period of time – Jim Delaney raised this issue, and I agree with him 100% - you have to find ways to get college presidents and athletic directors to interact with minority candidates across the country, just to know who they are, just to introduce yourself, to figure out a common ground. So that you now are on the radar screen – because I think that's the biggest problem. I would never sit here and assign racial discriminatory intent in the hiring per se. I would just say it's a lack of access, a lack of interaction, where the decision makers just don't know who these folks are. Once you can now get on that list, once a college president or an athletic director has met one of those qualified people, and now has interacted with them, and understands that they have what it takes, the next time there's a job opening all of a sudden they appear on your list, and it's not just the same names. I think that the interaction aspect of it is extremely important; you just have to find ways to get people and put them together.

**Audience Question:**

I'd like to piggy-back on your question. Not just in football coaching, Mr. Williams, but how many African-Americans have the job that Mr. Slive has? For the Big 10, for Conference USA? I'm not familiar; I'm just asking an open question. And the job that Mr. Sorensen has, President of a Division I-A school, a state school, how many African-Americans are president at those schools?

**Sorensen:**

Very few.

## Is the System Flawed?

### Audience Question (continued):

I don't think it should be just attributed to ... I think we could go farther, and if you go farther with the president of a school, if you go with the commissioner of a major conference, there's no reason not to have an African-

state of Mississippi, but my God, when Mississippi hired a minority head coach I almost fell over in my tracks; I don't think anybody was expecting that and I know how hard Mike and the presidents of this conference worked

**“A head football coach at a major Division I-A school is much more than a football coach. He is somebody who is expected to raise a lot of money, to move gently among the alumni and be one of the good old boys.”**

American head coach. I think it's a stigma – if that's the proper word – on the presidents of the universities and commissioners of conferences. How many African-Americans did they interview for your job, Mr. Slive – do you know?

### Slive:

I don't.

### Audience Question (continued):

Not you personally, for the Big 10, I think this has got to take more than just a head football coach.

### Williams:

I'm not going to disagree; I think the football coach [question] to me is very interesting because, even with the lack of minorities as ADs and presidents, we seemingly have made progress on the basketball issue, but not on the football issue. I don't disagree with you, we certainly need to look at other areas, but I find it fascinating. ... I don't think you actually see as many minority women basketball coaches as you do men basketball coaches, [that would] be another question. But in football, it's been interesting to watch the NFL go above this, when we haven't [been able to]. I commend what the SEC did, led by Mike, and I wrote him about it. I thought that Mississippi State, and no disregard to my home

for that. It's just interesting, when you look at the numbers it's kind of hard to rationalize.

### Slive:

David, one of the things that we've done since I came, and [Charles Bloom], who's here, has done it – every fall we prepare a database – it's a book this thick – and it has the picture and biography of every minority football coach in I-A and I-AA and the NFL, and each fall we redo it, and each fall we send that to each one of our presidents and chancellors and each one of our athletic directors. [This is] to begin to do what Len has suggested, to begin to have people looking and getting familiar with individuals before they need to get to the decision point. Some of our conference colleagues have done some very interesting things. [Tom Hanson] and the PAC 10 have created some interface – and we're going to do this in our league, create an interface every year, socially, with a dinner, that brings in all the minority assistant coaches in the league [to] sit down with athletic directors. No agenda, no program, just sit around and talk and share issues and talk about problems. So there are ways. And all of us have responsibility in positions of leadership at any level to make sure that we have made that a priority in our league.

**Roberts:**

Maybe this is a segue way into the panel this afternoon, but a similar question that I think would be interesting to raise – because it touches on stigmas and stereotypes and what have you – is why is it that half of the women’s basketball coaches in this country are men, but there’s not a single woman who is the head coach of a men’s basketball team, or a football team? At Tulane I remember the last time the basketball coach’s position came open, I said “We should go get Pat Summitt. I don’t think we could pay her enough, but if we could get her, let’s get her.” Everybody said, “My God, most players won’t want to play for a woman.” I said, “You don’t need most players, you only need five.” And there are probably five kids that would come just because of the novelty of it. In any event I think that’s an interesting question because it plays into the same sort of thinking that I think is affecting minorities as well.

**Williams:**

I’m proud to say that here in Nashville, we do have a men’s basketball team that has the first woman coach – she’s a former Commodore player. I think anybody here will realize that she and the part-owner got into a spat – and it was great to see that there were no men involved – over a men’s team. ... I think the [issue regarding presidents and athletic directors], is the same thing there. It’s the interaction and the uncomfortableness with whether or not we are ready for that interaction as a society. Well, I think we’re about out of time, is that right, Josh? Let’s thank the panel for a great job.



## Is the System Flawed?

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